

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
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[www.montgomerycountymd.gov/mc/council/board.html](http://www.montgomerycountymd.gov/mc/council/board.html)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, June 11, 2003, 9:00 A.M.**

**ACTION CALENDAR:**

1. **Minutes**, May 14, 21 and June 4, 2003 Worksession.

Action: Approved as amended, (AMC/DLB, 5-0).

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following cases:

(a) **A-5875, Petition of Alison Hooker and Jim Gillis** (air conditioning unit).  
Hearing held 5/7/03.

(b) **A-5877, Petition of David S. Cloud** (two-story addition). Hearing held  
5/7/03.

Action: Granted Order Extending Time, (LLM/DLB, 5-0).

3. **CBA-1658, Petition of Manor Country Club** (golf course and country club). Letter to the Board from William E. Hughes, CCM, General Manager, requesting an administrative modification. (Large exhibits: column plan, elevations, construction details and site development plan).

Action: Granted administrative modification, (AIF/AMC, 5-0).

4. **CBA-2164, Petition of 8830 Associates** (off-street parking). Memorandum from Stanley N. Garber, Investigator, Department of Permitting Services (DPS), requesting that the Board dismiss the scheduled Show Cause Hearing.

Action: Dismissed Show Cause Hearing, (DLB/AIF, 5-0).

5. **CBA-2477, Petition of Mrs. Jeanette E. Sherrick** (home occupation). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (LLM/DLB, 5-0).

6. **CBA-2718, Petition of Daniel D. Ashe** (private riding stable). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the property owner.

Action: Revoked special exception as abandoned, (DLB/LLM, 5-0).

7. **CBA-2810, Petition of Richard T. Allen** (private riding stable). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the property owner.

Action: Revoked special exception as abandoned, (LLM/AIF, 5-0).

8. **CBA-2998 [S-550, S-550-A], Petition of Moussa Moadel** (antique shop). Letter from the petitioner to the Board requesting an administrative modification.

Action: Granted administrative modification, (AMC/AIF, 5-0).

9. **CBA-3064, Petition of Harry F. Bonfils** (private riding stable). Memorandum from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the property owner.

Action: Revoked special exception as abandoned, (AIF/AMC, 5-0).

10. **CBA-3074, Petition of Harold and Marjory G. Margulies** (private riding stable). Memorandum from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the property owner.

Action: Revoked special exception as abandoned, (DLB/LLM, 5-0).

11. **S-4, Petition of Stacey H. Smith** (private riding stable). Memorandum from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the petitioner.

Action: Revoked special exception as abandoned, (LLM/DLB, 5-0).

12. **S-415, Petition of Mary L. Rhim** (private educational institution). Memorandum from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the petitioner.

Action: Revoked special exception as abandoned, (LLM/AIF, 5-0).

13. **S-599, Petition of Dr. Anthony Ambrosi** (non-resident medical practitioner). Memorandum from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the petitioner.

Action: Revoked special exception as abandoned, (AIF/AMC, 5-0).

14. **S-688, Petition of The Barnesville School, Inc.** (private educational institution). Letter from Jaralyn L. Hough, Head of School, to the Board requesting a minor modification. (Large exhibits: final site plan and storage shed site plan).

Action: Granted administrative modification, (AIF/LLM, 5-0).

15. **S-833, Petition of Nursery Associates, Inc.** (horticultural nursery and commercial greenhouse). Memorandum from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (LLM/DLB, 5-0).

16. **S-987, Petition of Dama Telecommunications, Corporation** (microwave radio tower). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from William Horner, Production Manager.

Action: Revoked special exception as abandoned, (AIF/AMC, 5-0).

17. **S-1149, Petition of Patrick E. and Lucille M. Edwards** (accessory apartment). Letter from Margarita Rosado-Payne to the Board requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (LLM/AIF, 5-0).

18. **S-1269, Petition of KFC National Management Company** (drive-in restaurant). Letter from Nathan J. Greenbaum, Esquire, requesting a minor modification. (Large exhibit: site plan).

Action: Granted administrative modification, (LLM/AIF, 5-0).

19. **S-1300, Petition of Joyce DeVilbiss** (child day care center). Memorandum from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a confirmation from the petitioner.

Action: Revoked special exception as abandoned, (AIF/DLB, 5-0).

20. **S-1358, Petition of Diane Jacobson and Doris Leach** (child day care center). Letter to the Board from the petitioner requesting an administrative modification. (Large exhibits: landscape and lighting plan).

Action: Granted administrative modification, (LLM/AIF, 5-0).

21. **S-1550, Petition of Exxon Company, USA** (automobile filling station). Letter from Jody S. Kline, Esquire, to the Board requesting an administrative modification. (Large exhibits: site plan and revised landscape and lighting plan).

Action: Granted administrative modification, (AIF/DLB, 5-0).

22. **S-1841, Petition of Jonathan Gieseler** (accessory apartment). Letter from Patricia L. Mallin to the Board requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (AMC/AIF, 5-0).

23. **S-2065, Petition of Richard P. Striker** (accessory apartment). Letter from Kimberley J. Striker to the Board requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (LLM/DLB, 5-0).

24. **S-2199, Petition of V.G.A. Limited Partnership** (automobile filling station). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included in an observation from Stanley D. Abrams, Esquire.

Action: Revoked special exception for failure to implement, (AMC/LLM, 5-0).

25. **S-2376, Petition of Gregory Eisenstadt, Trustee for Edgewood Hill Associates** (child day care facility) and **S-2377, Petition of Gregory Eisenstadt, Trustee for Edgewood Hill Associates** (housing for the elderly and handicapped). Letter to the Board from Steven A. Robins, Esquire, requesting reconsideration.

Action: (1) Denied reconsideration request; (2) granted extension to implement until 10/31/03; (3) petitioner to provide the Board a progress report in October 2003, (LLM/AMC, 5-0).

26. **S-2408, Petition of James B. Nesbitt** (riding stable). Letter from Jody S. Kline, Esquire, to the Board requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (AIF/DLB, 5-0).

27. **S-2574, Petition of Jack Edelstein** (accessory apartment). Letter to the Board from the petitioner withdrawing the special exception.

Action: (1) Dismissed petition as withdrawn; (2) granted 50% (\$83.00) refund of the filing fee in accordance with the Board's Rules of Procedure, (LLM/DLB, 5-0).

#### **PENDING ITEMS:**

28. **CBA-916 [S-615], Petition of The Public Health Service Club, Inc. and The Foundation for Advanced Education in the Sciences, Inc.** (private club). Letter to the Board from Lois W. Kochanski, Executive Director, requesting an administrative modification and the deletion of one of the special exception holders. Item deferred for confirmation of the deletion of Public Health Service Club as a special exception holder.

29. **CBA-2180 and S-254, Petition J. H. Burton and Sons, of Hyattsville, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Kevin P. Fay, Esquire, requesting the record to be re-opened to admit a June 11, 1999 site plan. Item deferred to allow Board time to review file.

30. **CBA-2196, Petition Chevron U.S.A.** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, and Yum Yu Cheng, Esquire, requesting a transfer and an administrative modification. (Large exhibits: concept plan, survey and plot plan). Request referred to staff for comment.

**PENDING ITEMS (continued):**

31. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan). (1) Record Re-opened to include M-NCPPC technical staff analysis; (2) additional information from Mr. Fremuth regarding adequacy of the parking functionality, parking setback requirements and providing additional parking on the special exception site, (3) DPS to provide additional information on the applicable parking requirements.

32. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.

33. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.

34. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.

**Board Members**

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**Staff**

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